

REMARKS/ARGUMENTS

Claims 1-27 are pending in the application. Claims 1-27 stand rejected under 35 U.S.C. 101 and 35 U.S.C. 112, second paragraph. The rejection is traversed and reconsideration is requested.

Claim Amendments

Independent claims 1, 27, and 29 are each amended to substitute “receiving a request of a user to access a local terminal” for “allowing a user to access a local terminal” to which the Examiner objected; to substitute “establishing a real-time interactive session directly between the user at the local terminal and a host processor” for “if a non-local user account type is identified, establishing a real-time interactive session directly between the user at the local terminal and a host processor” to which the Examiner objected; and to substitute “providing the user at the local terminal access to the host processor to perform said selected transaction interactively in said selected language via the host processor” for “allowing the user at the local terminal to perform said selected transaction interactively in said selected language via the host processor”.

Support for the foregoing amendment is found throughout the specification and in the claims and no new matter has been added.

Claim Rejections - 35 US. C. §101

Claims 1-27 are rejected under 35 U.S.C. 101 because the Examiner considers that the “claimed invention is directed to a judicial exception to 35 U.S.C. 101 (i.e., an abstract idea, natural phenomenon, or law of nature) and is not directed to a practical application of such judicial exception because the claims do not require any physical transformation and the invention claimed does not produce a useful, concrete, and tangible result” on the grounds that (1) the claim limitation “allowing the user at the local terminal to perform said selected transaction interactively in said selected language via the host processor...does not mean that the selected transaction is actually performed”, “provides the ability to the user to perform a transaction but does not necessarily result in the user performing the transaction”, and produces “no real world useful result” and no “useful, concrete and tangible result” and (2) “it is not clear what useful, concrete and tangible result is produced if the condition ‘if a non-local account type is identified, establishing a real time interactive session directly between the user at the local

terminal and a host processor' is not satisfied." The rejection is traversed and reconsideration is requested.

Regarding the Examiner's claim that "allowing the user at the local terminal to perform said selected transaction interactively in said selected language via the host processor" does not produce a real world useful, concrete and tangible result, while the foregoing amendment of independent claims 1, 27, and 29 specifying "providing the user at the local terminal access to the host processor to perform said selected transaction interactively in said selected language via the host processor" renders the rejection moot, there is no authority for the Examiner's allegation that the claimed process that provides the user with the means for the user at the local terminal to perform the selected transaction interactively in the selected language via the host processor is not a practical application with a useful result that constitutes statutory subject matter under 35 U.S.C. 101 as set forth in *Diamond v. Diehr*, 450 U.S. 175 (1981) unless the claims additionally recite a limitation that the user actually performs the selected transaction interactively in the selected language via the host processor.

Regarding the Examiner's further allegation that it is not clear what useful, concrete and tangible result is produced if the condition 'if a non-local account type is identified...' is not met, while the foregoing amendment of independent claims 1, 27, and 29 deleting 'if a non-local account type is identified' likewise renders the rejection moot, there is no authority for the Examiner's assertion that the claimed process is not a practical application with a useful result that constitutes statutory subject matter under 35 U.S.C. 101 as set forth in *Diamond v. Diehr* unless the claims additionally recite a limitation of what happens if an account other than a non-local account type is identified.

As previously pointed out to the Examiner, U.S. patent law does not require that all possible elements be listed in the patent, let alone listed in the claims. *See Burke, Inc. v. Everest & Jennings, Inc.*, 29 USPQ2d 1393, 1395-96 (Fed. Cir. 1993), quoting *Orthokinetics Inc. v. Safety Travel Chairs Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). Moreover, the Examiner has cited no authority in support of the Examiner's proposition that the claims must recite a limitation of what happens if an account other than a non-local account type is identified, and the proper test of what constitutes statutory subject matter under 35 U.S.C. 101,

as set forth in *Diehr*, is whether the claimed process viewed as a whole recites a practical application with a useful result. *Diehr*, 450 U.S. at 187. Applying the *Diehr* test, the present claims clearly fall within the bounds of statutory subject matter because they achieve a practical and useful result: providing global computer banking access in a variety of languages to customers traveling, e.g., internationally who require access to accounts when away from their home financial institutions and beyond the local regional financial area.

The rejection of claims 1-27 under 35 U.S.C. 101 is clearly improper and should be withdrawn.

Claim Rejections - 35 U.S.C. §112

Claims 1-27 likewise stand rejected under 35 U.S.C. 112, second paragraph, in that according to the Examiner (1) "allowing a user to access a local terminal" and "allowing the user at the local terminal to perform said selected transactions interactively in said selected language via the host processor" "are not positive recitations" because "it is not clear what the outcomes of these steps are", "allowing" does not imply that the act is performed but only that the user has the capability to do so" and "allowing a user to access a local terminal does not necessarily result in a user accessing a local terminal"; (2) "receiving the user's selection of a language", "receiving the user's input of said access code" and "receiving the user's selection of a transaction" "have no antecedent basis" because "steps of the user selecting a language, the user inputting an access code and the user selecting a transaction have not been positively recited in the preceding steps"; (3) the relationship between the steps of 'allowing a user to access a local terminal' and 'identifying a type of user account' and what happens if a non-local user account type is not identified" is unclear; and (4) the preambles recite 'A method/system for a user to obtain international account products access on a network', but "there is no mention of any international account products in the body of 'the claim", and "it is not clear how the objective set forth in the preamble is accomplished by the body of the claim".

Regarding the Examiner's allegation that allowing a user to access a local terminal and allowing the user at the local terminal to perform said selected transactions interactively in said selected language via the host processor are not positive recitations, while the foregoing amendment of independent claims 1, 27, and 29 renders the rejection moot, it is perfectly clear

that read in the context, e.g., of the limitations of claims 1, 27, and 29, e.g., "identifying a type of user account", "receiving the user's selection of a language...", etc., that allowing the user to access a local terminal and providing the user at the local terminal the means to perform an interactive transaction in the selected language via the host processor is a positive result to a user at a local terminal.

Regarding the Examiner's allegation that receiving the user's selection of a language by the host processor, receiving the user's input of an access code by the host processor, and receiving the user's selection of a transaction by the host processor have no antecedent basis in the claims is simply wrong. As previously pointed out to the Examiner, U.S. patent law does not require that all possible elements be listed in the patent, let alone listed in the claims, and the Examiner has cited no authority whatsoever in support of the Examiner's proposition that the claims must recite the user as a claim element.

Regarding the Examiner's claim that it is not clear from allowing a user to access a local terminal and identifying a type of user account what happens if a nonlocal user account type is not identified, again while the foregoing amendment of independent claims 1, 27, and 29 renders the rejection moot, the Examiner has cited no authority requiring the addition of elements to cover conditions not necessary for the claimed method and system.

The rejection of claims 1-27 under 35 U.S.C. 112, second paragraph, is clearly improper and should be withdrawn.

Notice of References Cited

Neither Drurnmond (U.S. 6,289:320) nor Hu (U.S. 6,990,466) cited but not applied by the Examiner teaches or suggests the claimed invention, and since the foregoing claim amendments are exclusively formal and add nothing of a substantive nature to the claims, the claims are in condition for allowance.

Conclusion

In view of the foregoing amendment and these remarks/arguments, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection and to pass the application to issue. Should the Office feel that contacting the undersigned representative will aid in expediting the prosecution of this application, please do not hesitate to do so at the number provided below. If any fees are required in connection with this filing, the Commissioner is hereby authorized to charge Deposit Account No. 50-4402.

Respectfully submitted,

Date: December 19, 2007

By: /s/John M. Harrington, Reg. #25,592/
John M. Harrington
(Reg. No. 25,592)

KING & SPALDING LLP
1700 Pennsylvania Avenue, NW
Washington, DC 20006
(202) 737-0500